

**PLANNING COMMISSION DRAFT MINUTES OF 08/09/04**

**2004-0576 - Fourth Quarter Properties (Partnership Common Names: Forum Development Group, Lehman Brothers and Standard Pacific Homes [Applicant] Target Corporation, WL Partnership, Sun Town Center Properties Corp. (Macy's), Sunnyvale LLC (Mall), and Sunnyvale Redevelopment Agency [Property Owners]:** Application for a Special Development Permit to allow the redevelopment and construction of a mixed-use development that includes up to 274,000 square feet of office, 292 housing units, and 1,000,000 square feet of commercial space, including a 16-screen cinema, on an approximate 36 acre site (including the closed Town Center Mall) of Block 18 of the Downtown Specific Plan located at **2502 Town Center Lane** in a DSP Block 18 (Downtown Specific Plan Mixed Use) Zoning District. (Mitigated Negative Declaration) (APNs: 209-34-009, 209-34-010, 209-34-016, 209-34-017, 209-34-018, 209-35-001, 209-35-005, 209-35-010, 209-35-011, 209-35-012 and 209-35-007)

**Vice Chair Hungerford recused himself due to financial relationship with the applicant.**

Trudi Ryan, Planning Officer, gave an overview of the history and evolution of the project. She stated that staff has been working with the downtown community for several years. In June, 2003 discussions culminated in the adoption of a General Plan Amendment establishing bulk and height limits in the Downtown Specific Plan area. Thereafter, the potential applicant for the mall requested an Amendment to the General Plan to modify the amount of housing and office that could be permitted on the site. In August, an application for site development was received from Forum; however it was incomplete as several items were needed to adequately review the request. In addition, not all property owners had signed the application. In October, 2003 the Council adopted the Downtown Specific Plan that also included urban design guidelines and development criteria. She noted that public outreach on the proposal were conducted which includes public forums, Planning Commission and City Council study sessions on site plan and architecture where public information was gathered. She also noted that the Planning Commission and the City Council conducted study sessions on the site plans and architecture. Further, there was a forum conducted specific to the Redwood Square to get community input for function and use and the applicants have indicated they will continue this dialogue with the community. She further noted that the Redevelopment Agency has provided comments to staff in closed sessions regarding the business arrangement associated with the development of the site. The applicant has met with major property owners and businesses and residents in the downtown area. A major modification in response to community input was to change the plan for residential from a mixture of rental and for-sale residential units to 100 percent for-sale units. The applicant has also increased the number of through streets in the project to restore a portion of the historic street grid in the downtown area, specifically McKinley and Murphy Avenue. The

applicant also introduced underground parking to two new parking structures and moved all office development to the Mathilda Avenue frontage.

Kelly Diekmann, Project Planner, presented the staff report. He reported that the Commission will be considering the Special Development Permit. He further reported that the Redevelopment Agency has a related action scheduled for August 17, 2004. He noted that the Special Development Permit consideration includes the site plans, uses, architecture, standard justification and compatibility of the intended use with other adjacent properties. He highlighted five issues:

1) On-street Parking –Overall, the project has over 5,000 parking spaces and 215 are on-grade along the streets and parking lots. He discussed parallel vs. angled parking on McKinley Avenue. He stated that the applicant requests angle parking while staff is recommending parallel parking. He pointed out three diagrams demonstrating alternative parking configurations. He stated that parallel parking is more appropriate due to circulation and safety factors on McKinley Avenue. He noted that the applicant expressed a strong desire for angle parking because it increased the quantity of spaces and because retailers prefer to have parking in front of their doors. He stated that staff felt that the 100-foot dimension between buildings is appropriate to maintain and should not deviate from this to accommodate wider sidewalks or angle parking.

2) Cinema – He requested that Architectural Condition of Approval A9.9 be deleted and explained the reason is that the theater does not, in fact, overhang past the building; therefore a setback is not necessary. He stated that staff supports the use as it adds diversity to the area and draws people to the area. He noted that parking demand for the shopping district is at 1pm and the secondary peak which includes the cinema, is in the evening hours, and is lower.

3) Downtown Connections – He stated that the applicant proposes to establish connections as called out in the Downtown Specific Plan. Other features that help make the continuity to the downtown are gateway features, wide sidewalks increasing the pedestrian access and passageways to the downtown, and the linkage for a continuation of the 100 block of Murphy Avenue. Staff has recommended a condition of approval for the Murphy extension to integrate and replicate the pattern of historic Murphy Avenue. He also noted the Redwood Plaza is a substitute for the plaza in front of Macy's. He noted that there are signage requirements to direct people to the historic downtown, and a kiosk to indicate that the public transportation multi-modal station is nearby. He also noted that there is a Construction Mitigation Plan to address construction hours of operation, parking needs and other construction aspects. Also there is a requirement noted in the Disposition and Development Agreement to support any future improvement district in the downtown and to work in concert with the other property owners north of Washington to promote Downtown.

4) Target and Macy's – He noted the importance of these two major property owners and their required sign-off on the application and building permits. He noted that the reciprocal easement agreement typically is utilized for the operation of malls and allow majors sign-off on building and site plan changes and other changes to the mall.

5) Additional applications – stated that there are additional hearings that need to be held. He stated that, overall, the project is in conformance with the Downtown Design Guidelines and the elevations and plans are very well detailed. However, if there are major changes to the project, additional hearings may be held. There are some areas of the project that need to come back to a public hearing to the Planning Commission due to lack of details and information currently. He noted that later reviews are to consider the final details of the project and not the type of use or location. He added that a later Tentative Map hearing is needed, creating ownership housing units which is the key to 100 percent homeownership. Another application is the public arts review for Arts Committee consideration.

Chair Moylan asked staff to repeat the action required of the Commission to consider. Staff responded that the Commission considers the types of uses, intensity, the layout, basic architectural elements such as design style and height elements.

Mr. Diekmann added some Conditions of Approval need modification - 1) G13 – needs to be reworded to address the requirement for doors to be open or closed and to ensure that there is no excessive noise from the establishment. 2) EM5 –he clarified that the “estimated” means that the percent of impact could change slightly but not the total project cost as received from Cupertino. He pointed out the new rendering of Mathilda and Murphy Avenues and the color elevations. He suggested that Sunnyvale and Washington and Mathilda Avenues façade come back to the Planning Commission but that Murphy Avenue, staff could work with the applicant if the Commission so chose. He also noted that there are some numbers noted in the staff report based on the exhibit attached in the staff report and not the most recently submitted plans and elevations.

Comm. Babcock asked staff whether all the parking structures are able to accommodate tow trucks and emergency vehicles. After discussion it was determined that tow trucks and emergency vehicles would be accommodated.

Further, Comm. Babcock commented that she understands that the underground parking is reserved to office staff on Mathilda. She expressed concerns that these spaces are wide open and asked staff whether there are going to be restrictions imposed and not on a first come first served basis for the second level of the parking structure. Staff deferred this to the applicant.

Comm. Babcock clarified with staff whether the signage will come back to the Planning Commission. Staff responded that the Master Sign Program is approved at staff level.

Lastly, Comm. Babcock asked staff to repeat the five items that will come back to the Planning Commission for consideration. Staff noted that the public could comment tonight on the elevations present, but that the public will have another opportunity to express their opinion when it comes back to the Planning Commission for details. 1) COA A3- Mathilda Office Corridor including the wrap of the office building; 2) The Washington Avenue elevations, east of Taaffe; 3) the Sunnyvale elevations, particularly the parking structure; 4) The Murphy Avenue extension which he stated could be changed to staff's final review if the Commission so desired; and 5) Central McKinley area also known as the "Redwood Square," for the layout, architecture and south side which is the cinema's interaction with the area.

Chair Moylan clarified with staff about invoking the Downtown Specific Plan, He asked if the use of development receipts to help tide over the existing businesses in the area is part of the business deal with the Redevelopment Agency. Staff indicated that would be a Redevelopment Agency action.

**Chair Moylan opened the public hearing.**

**Ron Pfohl**, Forum/Applicant, stated that the project is very attractive, accomplishing the goals of the Downtown Specific Plan and will be good for the City of Sunnyvale. The project is a culmination of hundreds of hours of work and coordination of the applicant, the City, and the public creating a synergy in the downtown. He stated there continues to be difficult financial components but they will continue to work on these issues. He hoped that the City would embrace the project as the City will be proud of the development. He expressed concerns on some of the Conditions of Approval.

1. G8- he asked that these be deleted and questioned the reason for the developer to pay for an upgrade of the downtown model.
2. G9 d 2 – he is fine with the cinema at 60,000 square feet. However, he is still in negotiation with the cinema and is unable to guarantee a maximum auditorium size of 350 seats, but can accept a maximum of 2,950 seats
3. G9 d 4 – he asked that outside seating restrictions be removed as it is seasonal.
4. G9 e – he asked to eliminate the restriction of two kiosks in the Redwood Square as he is considering up to six. He is willing to work with the City as to size and quality of the kiosks.
5. G13 – he asked that this condition be reworded as staff mentioned earlier to ensure that this does not prohibit other restaurants/retailers that may need to have their doors open.

6. G19 d – He stated that since the development would be phased it would be infeasible due to timing as to when the art work would be installed. He stated that posting a bond is to ensure that the art work is constructed.
7. A6 – He stated that they do not own the Macy's building which is the structure on Washington Avenue; therefore, they cannot do anything about the façade.
8. S1 1 - Parallel Parking on McKinley - He stated that they would like to have angle parking as it is a safer way and most tenants prefers angle parking. This would provide them a convenience factor and an environment that entices tenants to stay.
9. S-13 – Public Improvements – He stated he felt they should be responsible for cost of improvements only to their side of the street. (i.e., only half of median costs).
10. S18 – Gateway Features – He stated that he is willing to provide these features but he felt that although it stated not to exceed \$250K, they should not be locked in to amount as it could be less or more.
11. EM5 - Estimated Impact – He asked that the fair share of the cost be locked in at \$75,924.

Mr. Pfohl concluded that he felt optimistic and that although there are still issues to resolve they will continue to work on them and go through the process. He urged the Commission to approve the project.

Comm. Babcock asked Mr. Pfohl whether the parking structure would allow tow trucks. Mr. Pfohl responded yes.

Ms. Ryan noted that the recently completed multimodal parking garage at the train station does accommodate tow trucks.

Further Comm. Babcock asked Mr. Pfohl whether there would be restrictions to ensure that the underground parking would be used by office staff. Mr. Pfohl responded that this is their goal as well as other major owners and tenants. They plan on placing wayfinding signs. He stated that an entrance to the elevation tower of the office buildings at the underground will encourage workers to park there.

Comm. Simons clarified to Mr. Pfohl that the redwood square condition stated that any number in excess of two kiosks at one time requires a Miscellaneous Plan Permit. Mr. Pfohl responded he just wants to make sure that they are not limited to two kiosks at the Redwood Square.

Comm. Fussell asked staff about G8 on the cost of the model whether this is a typical requirement for the applicant to bear the cost. Ms. Ryan responded that the model was designed to be easily updated to reflect what has been approved. This requirement would be the first to have the applicant pay for the model upgrade.

Comm. Fussell asked about A6 2 requiring improvement of the Macy's façade. Staff responded that the developer has a different perspective than staff. Staff felt that this is an appropriate condition as Target and Macy's are part of the project; therefore, it is important that their buildings integrate with the new design.

**Tom Paradise**, Standard Pacific Homes, residential development team, stated that he has worked hard with the members of the community and availed himself to residential questions.

**Arley Marley III**, Chair of Board of the Chamber of Commerce, stated that the Chamber is generally in support of the project and wants to have this development commence as it would be a significant asset to the City. He expressed concerns, included in the letter a letter was provided to the Commission, about the following: 1) Allowable restaurant versus parking ratio in the downtown with the connection to Murphy Avenue; 2) pedestrian access from the new section into Murphy Avenue off of Washington Avenue, and 3) to make sure that the historical value of old Murphy Avenue stays even the new portion of the downtown plan. He asked about Condition of Approval # A8 1 Murphy Avenue Extension. He stated that the Chamber and Sunnyvale Downtown Association have met with the developer about the Murphy Avenue Extension, and although the developer promised to prepare design alternatives, they have not seen new plans except that ones presented at the Open House. He expressed concerns that Macy's has such a strong influence on the project and what the developer plans for this extension.

Comm. Simons asked Mr. Marley to expand on what they want to see for historical continuity. Mr. Marley responded that the original EIR called for a plaza which addressed continuity from the Old Murphy Avenue to the new development. He suggested a pedestrian exit from the parking garage directing them to Murphy Avenue off of Washington and signs directing them to the Murphy Avenue. He noted that the Chamber is in support of the development but worried about this lack of access to Murphy Avenue.

**Dick Stein**, member of the public, expressed the following concerns: 1) the increase in office buildings is not supported by the housing supply. 2) the peak time hours and trip generation in the downtown. 3) the cinema of 3,000 seats would mean a lot of people and wondered about the peak time. 4) Sunnyvale Avenue has been reduced from four lanes to two lanes and Washington Avenue has only three lanes. How would these streets handle the downtown traffic?

Chair Moylan stated that the amount of office space has been decided earlier by the City Council and is not under consideration for the evening. He stated that there is an existing lease with the cinema and is currently being worked on by the developer and there is no choice but to have the cinema. Ms. Ryan noted that the parking demand ratios are based on both number of employees and patrons for the various uses.

Ms. Ryan commented that there is a choice about the cinema. She noted that staff finds that a cinema is an important component of the development. Senior Assistant City Attorney Borger clarified the lease between the former developer and the cinema, noting that the property is under the jurisdiction of the bankruptcy court. She stated that it may be advantageous for the developer to buy the property with the cinema lease. Further, she stated that the developer felt that the cinema would be good for the city as well. She explained that the project could be approved with or without the cinema.

Mr. Stein suggested that should be explored as to whether the development would be feasible or not without the cinema.

**Larry Dano**, member of the public, urged the Commission to speedily approve the project as presented. He felt that the project would be good for the City and the public. He stated that he supports the cinema.

**Art Schwartz**, member of the public, commented on the parallel versus angle parking. He suggested parallel parking as it would provide more sidewalk and more room for street displays and for retailers to have outdoor sitting, and far safer for bicyclists and pedestrians. He stated that angle parking is not going to be safer and urged to require parallel parking and widen the sidewalks. He commented that it would be a tragedy about exposed Macy's parking and the continuity of Murphy Avenue to the new development.

**Greg Maltz**, member of the public, supported the plans and urged speedy approval of the project. He felt that this is the future of Sunnyvale.

**Jennifer Paedon**, Moffett Park Business and Transportation Association, spoke on behalf of the Association, supported the project due a number of reasons such as the project is a smart use of land, providing a place to live, work, do errands, shop without having to use automobiles. The project also provides the needed housing units closer to transit, employment and entertainment and overall a better quality of life.

**Jonathan Thalberg**, member of the public, thanked the Planning Commission for their efforts and the Forum Development Group for their outreach efforts soliciting input from those who will be impacted significantly with the development. He stated clearly that Downtown is not dead but rather needs redefining. He expressed concerns and disappointment that the proposed plans do not have clear and defined integrative features to connect the historic with the new. He urged the Commission to ask for these. To date, the Downtown Association has not received these details as promised. He commented that The Forum Group will enhance Sunnyvale but not define it.

Comm. Simons asked Mr. Thalberg for specific recommendations for integration features. Mr. Thalberg recommended the following 1) the space in front of Macy's could redefine Murphy Avenue by using pavers instead of regular pavement all the way through the new development. 2) the roundabout or fountain or an element defining the Washington and Murphy Avenue intersection. 3) along Washington Avenue façade he suggested putting window boxes instead of cement wall facing Murphy Avenue and Town & Country. 4) Washington Avenue Parking garage, suggested installing a plaza and a connection to Murphy Avenue instead of retail stores as suggested by Macy's. He urged the Commission to impose these requirements.

**Joe Antuzzi**, Sunnyvale Downtown Association, stated that the association supports the project. He noted that the Association has spent hours working on the downtown plan which integrates Murphy Avenue with the new development. However during the negotiation process, he believes that The Forum Group has been getting all they have asked for which has a detrimental effect to the downtown merchants. He strongly expressed his concerns about the removal of the plaza connecting the old and new. He talked about the impacts the downtown merchants went through during the development of the Mozart Buildings and the anticipated business growth yet to come. He also urged that there should be pedestrian access to Washington Street and Murphy Avenue from the parking garage. The design also calls for movement of pedestrians away from Murphy Avenue towards McKinley Avenue. He suggested underground parking on the Washington/Sunnyvale parking garage to address the parking needs of the development. He also stated that the Construction Mitigation Plan lacked teeth to ensure that The Forum Group adheres to this plan.

Comm. Simons commented that the Construction Mitigation Plan calls for a Noise Coordinator and asked Mr. Antuzzi if he has any recommendation to make the recommendation stronger.

Comm. Simons asked staff whether there was a Construction Mitigation Plan for Mozart construction that was different from the recommended condition. Ms. Ryan pointed out Condition of Approval G18 indicating it is a cross between the construction mitigation language that was included with the prior mall expansion permit and the Mozart conditions, with a number of mitigation components that need to be addressed by this development.

Comm. Simons commented that this condition does not call out a dollar contribution for the construction mitigation plan. Mr. Antuzzi concurred with Comm. Simons and stated that he supports Condition of Approval G18 if it would provide the city enforcement to effect the plan similar to the Mozart construction mitigation plan. He felt that as it is written, it does not appear to have teeth.



**Thom Mayer**, Chair of the BPAC, speaking as a member of the public, suggested the following: 1) to require all handicap parking to be within one-foot elevation of the destination; 2) to not allow the angle parking on the streets making the street unsafe for pedestrian and bicyclist; 3) that the roundabout plan meet city and federal standards and the cross walk needs to be behind where the first car is queued.

Comm. Simons asked Mr. Mayer to clarify the handicap parking request. Mr. Mayer responded that the handicap parking in the Sunnyvale and Iowa parking garage is about five feet below grade.

Comm. Simons asked staff to clarify the round-about on Taaffe and McKinley. Mr. Jack Witthaus, Transportation and Traffic Manager, responded that the project has a condition that the round-about be designed to meet the FHWA standards.

**Olaf Hirsch**, member of the public, commented by providing examples of the added density the project is going to have to the downtown and questions on how it is going to integrate with the existing neighborhood.

**Harriet Rowe**, member of the public, expressed concerns that there appears to be no gateway plans being presented. She urged that the Commission ask the applicant to bring this plan for at gateway at McKinley and Mathilda. She expressed the following additional concerns: 1) the sidewalks should be designed with room for both outside sitting and pedestrian use; 2) address bicycle parking; 3) she concurred that there needs to be integration from the old and the new; 4) that the parking in the garage along Murphy Avenue is exposed and needs to be more attractive even it means talking to Macy's again.

Chair Moylan commented that Condition of Approval #S18 to provide gateway features along Sunnyvale Avenue and Iowa Avenue for five locations. Ms. Rowe responded that she has not seen the gateway plan clearly indicating that they have reached downtown. She commented that staff has mentioned that the presence of retail and tall buildings would indicate that it is the downtown area; however, this would not be visible if one is traveling Mathilda Avenue at 50 MPH.

Comm. Simons asked staff to clarify Condition of Approval #S18 about the five locations requiring gateways. Staff responded that there is a gateway feature required for Washington and Mathilda and for the residential areas east and south of the project (e.g. Taaffe, Frances and Murphy along Iowa). No gateway features for McKinley and Mathilda were called out in the Downtown Specific Plan. Comm. Simons commented that the Downtown Specific Plan assumed that there was no through way on McKinley. Staff responded that staff is not opposed to significant features to draw people's attention; however, he stated that the buildings proposed on Mathilda Avenue are notable.

**Marc Calvert**, Lehman Brothers/member of the development team, clarified some of the concerns expressed by the public. He stated that he agreed with many of the members of the public. However, they have negotiation challenges with the other owners of the mall and continue to meet these challenges. He addressed the cinema concerns stating that there is a material contract with associated rights between the present mall owner and the cinema. He stated that if they would go through legal briefs to dismiss the cinema contract, it would take another year or two and there would be a totally different project and different cost. He stated that if the project is approved without the cinema then this project would not proceed as it would not be economically viable. He talked about the request regarding angle parking and its importance to merchandising and profitability to merchants. He noted that there were few changes they have requested to the conditions. He also noted that they support the \$250K but to ensure that the cost could be less or more. He agreed with the citizens of the desirability of a plaza in front of Macy's to integrate the project but the bottom line is because of Macy's oppositions there would be no mall for another two years.

Ron Pfohl clarified that they support the gateway/continuity features for Murphy. He noted that they designed plans but have not shared them as the design is not accomplishing their goals and acceptable, they will submit the plans to staff and the businesses for review.

Ms. Ryan clarified that related to McKinley there is a third option that is presented to the Commission with parallel parking on one side and angle on the other.

**Chair Moylan closed the public hearing.**

**Comm. Babcock made a Motion on Item #2004-0576 to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modifications:**

- 1) Condition of Approval #G9 b – shall state that 292 residential units, all of which will be offered for sale.**
- 2) Condition of Approval #G9 c 2 – additional medical office may be permitted up to 30% with a Miscellaneous Plan Permit.**
- 3) Condition of Approval A6 3 – to include that all of the Murphy extension will return to Planning Commission. This would allow the Commission the look at the street as a whole and not one building at a time.**
- 4) Add Condition of Approval A6 6 to add pedestrian access from all levels directly onto Washington Street from the Washington/Murphy Avenue parking structure. The second and third floors could be designed as outside staircase. This design and directional signs shall be returned to Planning Commission for review.**
- 5) Condition of Approval A7 2 – to add “architectural details” to state provide elevation and add architectural details of exterior finish,**

- awnings and windows types. This would allow a full context review rather than one at a time.
- 6) Add Condition of Approval A10 to create a gateway feature at Washington and Murphy designating the Historic Murphy to connect with the new section of Murphy.
  - 7) Add Condition of Approval A11 - to upgrade the decorative street features and historic elements on the Historic Murphy Avenue section to have continuity from old and new.
  - 8) Condition of Approval S1 1 - that parallel parking to be on the north side and angle parking on the south side of McKinley Avenue and parallel parking only on Murphy Avenue.
  - 9) Condition of Approval A9 9 shall be deleted as recommended by staff.
  - 10) That all of Murphy Avenue architectural details shall return to the Planning Commission for review.
  - 11) Condition of Approval #EM5 – to cap the developer' portion at the \$75,924 traffic impact fees.
  - 12) Condition of Approval G8 shall be deleted.

**Comm. Simons seconded and offered a friendly amendment.**

- 1) Condition of Approval to have gateway features at McKinley and Mathilda
- 2) Condition of Approval S7 that the streetscape is in accordance with the VTA Pedestrian Guidelines and the Downtown Standard Streetscape Specification of the City of Sunnyvale.
- 3) The handicap parking in the existing parking structure shall not have major elevation changes.
- 4) Condition of Approval G9 e – to move to Redwood Square review and to return to Planning Commission for consideration.
- 5) Condition of Approval #G13 – will be reworded to accommodate merchants needs as recommended by staff.
- 6) Condition of Approval #G19 d – when the bond is accepted for the art work to allow building occupancy to be incorporated during the development phasing if this condition is in accordance with the Sunnyvale Municipal Code.

**Accepted by the maker.**

Comm. Babcock commented this project is probably a record number of Conditions. She stated that it is an exciting project and she is thrilled about the stage of this project. She felt that there have been compromises and hoped that needs and concerns have been addressed, such as the integration, parallel versus angel parking.

Comm. Simons concurred that this is a long detailed set of conditions. He commented that it has been a long process for this project. He hoped the City would reap the benefits of this project and hoped that this project goes through as something that the City will be proud of.

Chair Moylan commented that restoring the viability of the downtown is clearly needed. He expressed the items that are bothersome to him such as the cinema, the disappearance of the plaza on the corner of Washington and Murphy Avenue. Unfortunately, the City can not easily accomplish the desired design. He felt that this is the best design and compromise. He stated that he does not generally support the cinema, however, he was convinced with the public testimony that the cinema is an important component to the economic viability of this project. He supported the motion and hoped that this project works as it is hoped to be.

#### **FINAL MOTION:**

**Comm. Babcock made a Motion on Item #2004-0576 to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modifications:**

- 1) Condition of Approval #G9 b – shall state that 292 residential units, all of which will be offered for sale.**
- 2) Condition of Approval #G9 c 2 – additional medical office may be permitted up to 30% with a Miscellaneous Plan Permit.**
- 3) Condition of Approval A6 3 – to include that all of the Murphy extension will return to Planning Commission. This would allow the Commission the look at the street as a whole and not one building at a time.**
- 4) Add Condition of Approval A6 6 to add pedestrian access from all levels directly onto Washington Street from the parking structure. The second and third floors could be designed as outside staircase. This design and directional signs shall be returned to Planning Commission for review.**
- 5) Condition of Approval A7 2 – to add “architectural details” to state provide elevation and add architectural details of exterior finish, awnings and windows types. This would allow a full context review rather than one at a time.**
- 6) Add Condition of Approval A10 to create a gateway feature at Washington and Murphy designating the Historic Murphy to connect with the new section of Murphy.**
- 7) Add Condition of Approval A11 - to upgrade the decorative historic elements on the Historic Murphy Avenue section to have continuity from old and new.**
- 8) Condition of Approval S1 1 - that parallel parking to be on the north side and angle parking on the south side of McKinley Avenue and parallel parking only on Murphy Avenue.**
- 9) Condition of Approval A9 9 shall be deleted as recommended by staff.**

- 10) That all of Murphy Avenue architectural details shall return to the Planning Commission for review.
- 11) Condition of Approval #EM5 – to cap at the \$75,924 traffic impact fees.
- 12) Condition of Approval G8 shall be deleted.
- 13) Condition of Approval to have gateway features at McKinley and Mathilda.
- 14) Condition of Approval S7 that the streetscape is in accordance with the VTA Pedestrian Guidelines and the Downtown Standard Streetscape Specification of the City of Sunnyvale.
- 15) The handicap parking in the existing parking structure shall not have major elevation changes.
- 16) Condition of Approval G9 e – to move to Redwood Square review and to return to Planning Commission for consideration.
- 17) Condition of Approval #G13 – will be reworded to accommodate merchants needs as recommended by staff.
- 18) Condition of Approval #G19 d – when the bond is accepted for the art work to allow building occupancy to be incorporated during the development phasing if this condition is in accordance with the Sunnyvale Municipal Code. Comm. Simons seconded.

Motion carried 5-0 with Comm. Klein absent (Vice Chair Hungerford recused himself).

Ms. Ryan stated that the item will be considered by City Council on August 17, 2004.